APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,139	08/19/2002	Adam Bosworth	109870-130097	2275

25943 7590 05/14/2007	EXAMINER
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ART UNIT	PAPER NUMBER
2191	

MAIL DATE	DELIVERY MODE
05/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action *Before the Filing of an Appeal Brief*	Application No.	Applicant(s)
	10/089,139	BOSWORTH ET AL.
	Examiner	Art Unit
	Satish S. Rampuria	2191

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>25 April 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because .

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, ~~the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended~~ claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: <u>*1-13 and 20-32*</u>.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
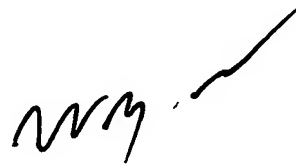
13. ☒ Other: <u>See Continuation Sheet</u>.

Continuation of 13. Other: The rejections under 35 U.S.C. §112 second paragraph to claims 14-19 and 33-38 is withdrawn in view of Applicant's cancellation of claims

Applicants argued that Wang fails to disclose, expressly or inherently, an execution engine that invokes first and second code statement processing units of first and second programming languages, as is claimed in amended claim 1. Wang merely teaches "an interpreter-based scripting environment [that] includes multiple runtime processors executed by the computer. Each of the runtime processors processes their respective corresponding intermediate sources derived from an original source in a synchronous manner" (abstract). The processors are interdependently invoked. Specifically, the original source disclosed in Wang comprises an HTML document with embedded Visual Basic scripting langauge blocks. Wang teaches a HTML parser that parses the original HTML + VB source, and translates the non-VB source into a first intermediate source executable by a Java VM, and the VB source into a second intermediate source having the VB script statements executable by a VB script interpreter.

In response to Applicants argument as explained previously that Wang discloses enabling multiple runtime processor executed by the computer. Each of the runtime processors process their respective intermediate sources derived from an original input source, i.e., Java or Visual Basic Script (See summary). In order to process multi language processor, Wang's system recognize different input source languages and invokes the respective processor according to the input source language (col. 2, lines 26-35). Further, Wang's system has a parser, which recognizes the input source languages, and sends to the appropriate translator (col. 3, lines 24-30 and FIG. 2).

Even if we were to read the Java VM and VB Script Interpreter as the recited first and second code statement processing units, Wang does not disclose an execution engine that invokes both of the Java VM and VB Script Interpreter. The HTML parser of Wang, described above, simply creates intermediate sources and does not invoke either of the Java VM or the VB Script Interpreter. According to Wang, col. 3, lines 57-67 and col. 4, lines 1-8, the Java VM is invoked first at runtime, and the VB Script Interpreter is later invoked by the Java VM. Thus, there is no common execution engine that invokes both the Java VM and the VB Script Interpreter and, therefore, Wang does not disclose the execution engine recited by claim 1.

Accordingly, for the reasons given above, Wang does not anticipate claim 1 and, because Wang proposes an alternative solution teaching away from that of claim 1, Wang does not even suggest claim 1.

In response to Applicants argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., no common process) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

WEI ZHEN
SUPERVISORY PATE

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